

REMARKS

The Official Action of December 31, 2007, and the prior art relied upon therein have been carefully reviewed. The claims in the application are now claims 32-34, 36-46, 51-53, and 55-73 (including new claims 56-73), and applicants believe **these claims should now be in condition for formal allowance consistent with what is stated in the Official Action.** Accordingly, favorable consideration and early formal allowance are respectfully urged.

Support for new claims 56-73 should be clear, especially from the other claims, both presently pending and previously pending. The new claims 56-73 are patentable for reasons pointed out below.

Paragraph 7 of the Office Action summary indicates that claims 35, 36, 40, 41, 43-45, 47-49, 51, 52 and 55 are only objected to, and these claims are not listed in paragraph 6 among the rejected claims. Applicants accordingly understand that these claims are deemed by the PTO to define novel and unobvious subject matter under Sections 102 and 103, and to meet all the other requirements for patentability including those of Section 112. Applicants are proceeding in reliance thereof.

The bottom paragraph on page 3 of the Office Action indicates that claims 35, 36, 40, 41, 43-45, 47-49, 51, 52 and 55 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form. Accordingly, applicants have incorporated the features of allowable claim 35 into main claim 32, thus essentially rewriting claim 32 as allowable claim 35, whereby claim 32 should now be allowable. Claims 33, 34,

36-46, 51-53 and 55-61, which depend from claim 32 and incorporate the subject matter thereof, should therefore also now be allowable.

Claims 46, 50, 53 and 54 have been rejected under the second paragraph of Section 112. The rejection is respectfully traversed.

The claims have been amended to better conform with U.S. practice. More particularly, claims 50 and 54 have been canceled as unnecessary, the subject matter in question being encompassed by broader claims, and claims 46 and 53 have been amended to address the points raised in the rejection. Again, no abandonment of any subject matter is intended by these amendments, as the broader subject matter is encompassed by broader claims. As no other rejections under Section 112 or objections as to form have been raised, applicants understand that there are no other problems under Section 112 or as a matter of form, and applicants are proceeding in reliance thereof.

Withdrawal of the rejection is in order and is respectfully requested.

Claims 32, 34, 37 and 39 have been rejected under Section 102 as anticipated by Kiyota et al XP-002328126 (Kiyota). This rejection is respectfully traversed.

As pointed out above, claim 32 now corresponds to allowable claim 35 rewritten in independent form. As claim 35 was indicated to be allowable, applicants need not address this rejection at the present time.

As claims 34, 37 and 39 depend from claim 32, they incorporate the subject matter thereof, and so this rejection also does not apply to claims 34, 37 and 39 in view of the above amendments to claim 32.

Withdrawal of the rejection is in order and is respectfully requested.

New claims 62 and 63 are directed to a method for treating cancer by administering the compound of Formula I as defined in the claims. Kiyota does not disclose any methods of treating cancer. Instead, the Kiyota compounds are described as having plant growth-inhibitory activity. Accordingly, while Kiyota may disclose a compound which falls within the formula of new claims 62 and 63, Kiyota does not disclose (or make obvious) the use of such compound for the treatment of cancer. Therefore, in new claims 62 and 63 define novel and unobvious subject matter over Kiyota.

New claims 64-73 are directed to compounds of Formula I as recited, and methods of use thereof for treating cancer. The compounds of Formula I as called for in claim 64 are not anticipated by Kiyota because claim 64 requires that at least one of R₄, R₅, R₆, R₇, B, C, D or E is a halogen.

Claims 32-34, 37-39 and 42 have been rejected as obvious under Section 103 from Nakaguchi et al XP-002328128 (Nakaguchi). This rejection is respectfully traversed.

Applicants need not address this rejection at the present time in view of the fact that claim 32, as pointed out above, has been amended to incorporate allowable claim 35. As claims 33, 34, 37-39 and 42 depend from amended claim 32, they also now incorporate the subject matter of allowable claim 35.

Withdrawal of the rejection is in order and is respectfully requested.

As pointed out above, new claims 62 and 63 are directed to a method for treating cancer by administering a compound of Formula I as there defined. Nakaguchi does not disclose any methods of treating cancer. Instead, the compounds of Nakaguchi are described as having utility as hair growth stimulants. Accordingly, claims 62 and 63 are not anticipated (or made obvious) by Nakaguchi.

Also, as pointed out above, claims 64-73 are directed to compounds of Formula I as there set forth, as well as a method for treating cancer. The compounds of Formula I as recited in these claims are not only not anticipated by Nakaguchi, but are also not made obvious by Nakaguchi, because at least one of R₄ through R₇ and/or at least one of B, C, D, or E is a halogen.

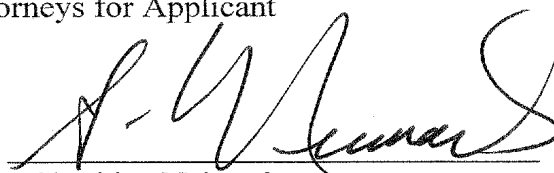
The prior art documents of record and not relied upon by the PTO have been noted, along with the implication that such documents are deemed by the PTO to be insufficiently material to warrant their application against any of applicants' claims.

Applicants believe that all issues raised in the Official Action have been addressed above in a manner that should lead to patentability of the present application. Favorable consideration and early formal allowance are respectfully requested.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By



Sheridan Neimark
Registration No. 20,520

SN:tdd
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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